

United States District Court
Eastern District of North Carolina
Western Division

FILED

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PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
BY UP DEP CLK

Case No. 5:17-CT-3238-FL

(To be filled out by Clerk's Office only)

Quentin Freeman

Inmate Number 1398952

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

Officer Coley

COMPLAINT

(Pro Se Prisoner)

Jury Demand?

☒ Yes

☐ No

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section IV. Do not include addresses here.)

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

I. COMPLAINT

Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

- ☒ 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)
- ☐ Action under Federal Tort Claims Act (federal defendants)

II. PLAINTIFF INFORMATION

Quentin Freeman
Name

1398952
Prisoner ID #

Maury Correctional Institution
Place of Detention

831 W. Morgan Street / 2568 Moore Road Rd.
Institutional Address

Hickory
City

NC
State

28554
Zip Code

III. PRISONER STATUS

Indicate whether you are a prisoner or other confined person as follows:

- ☐ Pretrial detainee ☐ State ☐ Federal
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner

IV. DEFENDANT(S) INFORMATION

Please list the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1: CO Coley
Name
Prison Officer
Current Job Title
2568 Monte Rowe Rd.
Current Work Address
Hickerton NC 28554
City State Zip Code
Capacity in which being sued: ☒ Individual ☒ Official ☒ Both

Defendant 2:

Name

Current Job Title

Current Work Address

City State Zip Code
Capacity in which being sued: ☐ Individual ☐ Official ☐ Both

Defendant(s) Continued

Defendant 3:

Name

Current Job Title

Current Work Address

City

State

Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☐ Both

Defendant 4:

Name

Current Job Title

Current Work Address

City

State

Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☐ Both

V. STATEMENT OF CLAIM

Place(s) of occurrence: Maury Correctional Institution

Date(s) of occurrence: 8-13-17

State which of your federal constitutional or federal statutory rights have been violated:

8th Amendment Civil and Unusual Punishment/Excessive Use of
force

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you.

FACTS:

Who
did what to
you?

On 8-13-17 I was being escorted into Grey Unit Holding cage earlier by
Captain Hudson on night shift, Officer Coley and H. Wheeler. As I was still
in handcuffs and turning around officer Coley pushed me. And I then moved
his hand off my face. Captain Hudson stated "standing between me and
officer Coley" "let him go Coley let him go Coley, I got him" Coley placed
his hands around my throat and began to choke me and push my
head into the wall into the back of the cage reaching over Captain
Hudson. Captain Hudson repeatedly told officer Coley to stop and let me
go he had me under control. But Coley would not stop until someone
pulled him loose and pushed him away. I have several inmate witnesses
who were in the Holding cell Area at the time as well as Video
footage. Besides on my neck 3 back which pictures were taken
Medical Record will show that I was assaulted by officer Coley who
used force that wasn't needed.

What
happened
to you?

I got violated. A hand to my face at first. Then got choked
and had my head being pushed to the wall by Officer Coley.

When did it
happen to
you?

On 8-13-17 inmates was being escorted out the block into
holding cages when the incident occurred.

Where did it
happen to
you?

On Grey Unit in the Hallway holding cage

What was
your
injury?

Bruiises on my Back and Neck where pictures where taken
by captain Hudson in front of nurse undertaker. Alread have
pain attacks the incident pops on my head at times and it
scare me

VI. ADMINISTRATIVE PROCEDURES

WARNING: Prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). Your case may be dismissed if you have not exhausted your administrative remedies.

Have you filed a grievance concerning the facts relating to this complaint?



Yes

☐ No

If no, explain why not:

Is the grievance process completed?



Yes

☐ No

If no, explain why not:

VII. RELIEF

State briefly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Plaintiff seeks Monetary Damage due to assault from Maury Correction Staff:

Punitive	10,000
Compensatory	10,000
Nominal	10,000
Pain and Suffering	10,000
excessive force	10,000

VIII. PRISONER'S LITIGATION HISTORY

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in forma pauperis in federal court if that prisoner has "on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. §1915(g).

Have you brought any other lawsuits in state or federal court while a prisoner?

☒ Yes ☐ No

If yes, how many? 1 and 1 Pending

Number each different lawsuit below and include the following:

- Name of case (including defendants' names), court, and docket number
- Nature of claim made
- How did it end? (For example, if it was dismissed, appealed, or is still pending, explain below.)

Freeman vs McClainrock - Dismissed - Federal

Quentin D Freeman V. NC Department of Public Safety I.C File No. JA-25091

AG File No. 15-01752 - State - Pending

IX. PLAINTIFF'S DECLARATION AND WARNING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint and provide prison identification number and prison address.

10-2-17

Dated


Plaintiff's Signature

Quentin Freeman

Printed Name

1398952

Prison Identification #

2568 Main Road

Prison Address

Hickerton

City

NC

State

28554

Zip Code